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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,940	12/29/2000	Hong Cai	JP-1999-0279US (8728-464)	9013
22150	7590	04/20/2006	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,940

Applicant(s)

CAI ET AL.

Examiner

Douglas B. Blair

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 1/20/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. The appellant's Appeal Brief arguments merely allege that Lonnroth does not teach the applicant's claim limitations. The arguments regarding Lonnroth never mention how any of this claim language relates to the appellant's detailed disclosure. This is probably because many of the claim limitations are not supported by the appellant's detailed disclosure. After a careful review of the appellant's claims and disclosure in light of the appellant's arguments the examiner now understands that there are numerous 35 U.S.C. 112 1st and 2nd paragraph issues that relate directly to the limitations that the appellant believes are patentable. These issues are presented below.

2. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Drawings

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3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “device-platform interface sending the XML requests to a platform kernel section via HTTP protocol” must be shown or the feature(s) canceled from the claim(s). The platform kernel section “providing one of a synchronized and an asynchronized service engine” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6. The applicant claims a device-platform interface that sends XML requests to a platform kernel section via HTTP protocol. The term “device-platform interface” is never actually used anywhere in the applicant’s specification other than the Abstract and the claims themselves. Likewise the term “platform kernel section” is never used anywhere in the applicant’s disclosure except for the claims. Therefore the term “device-platform interface” can only be interpreted as the Device Abstraction Layer because that is where the device requests are transformed from a representation mode to XML and the “platform kernel section” can only be interpreted as “Kernel Service Engine” because that is the only part of the platform that trades XML data with the “Device Abstraction Layer” according to Figure 1.

7. For the “Device Abstraction Layer” to send XML requests to the “Kernel Service Engine” via HTTP protocol, as claimed by the applicant, the “Kernel Service Engine” would have to include a web server program and the “Device Abstraction Layer” would have to include web client program. Nowhere in the applicant’s specification is there a web server described on the “Kernel Service Engine” or a web client described in the “Device Abstraction Layer”. The specification merely states, “As shown in FIG. 1, XML is used within the platform as an interface language. XML is used widely in the platform to exchange information between

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different components in the platform. XML is also used in the DAL and SAL, such that information process in the platform will be based on XML.” There is no hint as to how or even why the HTTP protocol is incorporated. Such an omission fails to place the public in possession of the applicant’s claimed invention.

8. Furthermore, the applicant is claiming that the “representation mode is adapted for the devices”. The specification never mentions a “representation mode” thus cannot describe how one would be adapted. One skilled in the art would be led to ask, “Why would a device request issued by the device in a representation mode be adapted for the device? If the device is issuing the request then wouldn’t the representation mode already be adapted for the device?”

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1, 2, 4-6, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

12. The “service-platform interface” is never claimed as interacting with any of the other claim elements so it is unclear what its purpose is for being claimed. The “service-platform interface” is only mentioned in the claims so it cannot even be interpreted in light of the specification.

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13. A second platform kernel section is defined in the final limitation of claim 1. It is unclear whether this second platform kernel section is intended to be the same as the previously mentioned platform kernel section.

14. The platform kernel section provides one of a synchronized and an asynchronous service engine. The specification merely states that, "For the service engine a synchronized service engine and an asynchronous service engine are provided. For example, the synchronized service engine can be based on IBM WebSphere which a Web application server and has strong XML support". It is completely unclear how the asynchronous service engine works or how it relates the synchronized engine.

15. Claim 1 recites the limitation "the adapter for transforming between service responses issued by the services and the XML responses" in the limitations concerning the "service-platform interface". There is insufficient antecedent basis for this limitation in the claim because the XML responses are only previously claimed as being sent to the "device-platform interface" so it is unclear how they could be transformed at the "service-platform interface".

16. Claims 2 and 5 recite the limitations "the user information, the device information, and the service information". There is insufficient antecedent basis for this limitation in the claim.

17. Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: it is unclear how a request can be based on a queue. In other words how is request for data from a web service based on a data structure like a queue. Since they specification gives to guidance the claim is unclear.

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18. Claim 6 recites the limitation "said device information" in the end of the claim. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 8 recites the limitation "said device information". There is insufficient antecedent basis for this limitation in the claim.

20. Claim 8 recites the limitation "the back-end of the platform" in the end of claim. There is insufficient antecedent basis for this limitation in the claim.

21. Claim 9 recites the limitation "said service information" in. There is insufficient antecedent basis for this limitation in the claim.

22. Claim 9 recites the limitation ""the front-end of the platform" in end of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

23. Claim 3 is objected to as failing to comply with Rule 1.75(d). The specification provides no antecedent basis for "platform run-status manager". The term queue is never even mentioned in the applicant's disclosure.

24. Claim 4 is objected to as failing to comply with Rule 1.75(d). The specification provides no antecedent basis for "asynchronous requests based on a queue". The term queue is never even mentioned in the applicant's disclosure.

25. Claim 6 is objected to as failing to comply with Rule 1.75(d). The specification provides no antecedent basis for "transforming the XML response into a file format" or "transforming among communication protocols based on script languages of the devices". The term queue is never even mentioned in the applicant's disclosure.

Claim Rejections - 35 USC § 102

26. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

27. Claims 1-2, 4, 6, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,826,597 to Lonroth et al..

28. For reasons pointed out previously Lonroth is believed to teach the claim language. The applicant merely argued Lonroth does not teach the claim language however the claim language is broad and the applicant's specification provides no choice but to interpret the language broadly for reasons pointed out above.

29. As to claim 4, Lonroth teaches a web interface in Figure 1 which comprises synchronization.

30. Claims 1-6 and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,546,419 to Humpleman et al..

31. As to claim 1, Humpleman teaches a pluggable service delivery platform for supporting many devices requesting many services in an e-business application, comprising: a device-platform interface, for accepting device requests issued by devices wherein said device requests are in a representation mode which is adapted for the devices, transforming the device requests into XML requests and then sending the XML requests to a platform kernel section via HTTP

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protocol, and transforming XML responses which are returned by the platform kernel section into the representation mode, said device-platform interface (col. 19, line 39-col. 20, line 48) comprising; (1) a common transcoding section, for transcoding between the representation mode and XML; and (2) a device dependent component, the device dependent component comprising device type and transmitting protocol information (col. 19, line 39-col. 20, line 48); a service-platform interface, for abstracting service requirements of the services as a common base, providing an adapter for each of the services based on the service requirements, the adapter for transforming between service responses issued by the services and the XML responses (col. 19, line 39-col. 20, line 48); and a platform kernel section, for managing user information, device information and service information, providing one of a synchronized and an asynchronous service engine, providing interfaces with modules in the platform kernel section, and transferring the XML requests and the XML responses among the modules and between services and devices (col. 19, line 39-col. 20, line 48).

32. As to claim 2, Humpleman teaches a pluggable service delivery platform according to claim 1, wherein said platform kernel section further comprises three layers: a run-time layer, an administration layer, and a development layer; the run-time layer, the administration layer and the development layer are associated via a platform API; the run-time layer provides on-line information access, the administration layer is responsible for adding and deleting the user information, the device information and the service information, and the development layer provides support to new services and new devices (col. 19, line 39-col. 20, line 48).

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33. As to claim 3, Humpleman teaches a pluggable service delivery platform according to claim 1, wherein said platform kernel section further comprises: a profile manager, a billing interface, and a platform run-status manager (col. 19, line 39-col. 20, line 48).

34. As to claim 4, Humpleman teaches a pluggable service delivery platform according to claim 1, wherein said one of a synchronized and an asynchronized service engine provides synchronized requests based on a session and asynchronized requests based on a queue (col. 19, line 39-col. 20, line 48).

35. As to claim 5, Humpleman teaches a pluggable service delivery platform according to claim 3, wherein said profile manager is used for managing the user information, the service information and the device information (col. 19, line 39-col. 20, line 48).

36. As to claim 6, Humpleman teaches a pluggable service delivery platform according to claim 1, wherein said device-platform interface provides a corresponding gateway for each of the devices, for transforming the XML response into a file format which is adapted for the devices and transforming among communication protocols based on script languages of the devices stored in said device information (col. 19, line 39-col. 20, line 48).

37. As to claim 8, Humpleman teaches a pluggable service delivery platform according to claim 1, wherein upon the platform running, a new kind of device can be incorporated by adding a gateway in the device-platform interface and adding an item in said device information without changing service system at the back-end of the platform (col. 19, line 39-col. 20, line 48).

38. As to claim 9, Humpleman teaches a pluggable service delivery platform according to claim 1, wherein upon the platform running, a new kind of service can be incorporated by adding an adapter in the service-platform interface and adding an item in said service information

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without modifying the programs at the front-end of the platform (col. 19, line 39-col. 20, line 48).

Claim Rejections - 35 USC § 103

39. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

40. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 6,826,597 to Lonroth et al..

41. As to claims 3 and 5, the applicant states that the claimed components can be replaced by third party products on page 12, lines 9-16 of the applicant's specification. If such products are available for purchase then they are well known and obvious to one of ordinary skill in the Computer networking art at the time of the invention because the applicant admits that their use is well known.

Conclusion

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

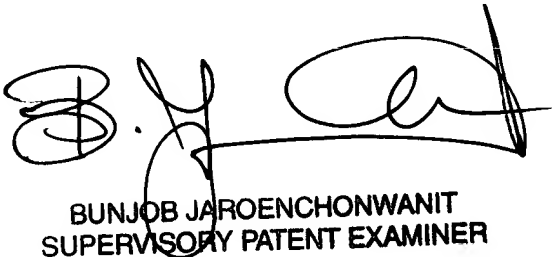
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER